

REMARKS

Claims 20, 28, 31, 33-35, 38, 40-42, 45, 47-50, 53 and 55-60 are pending in this application, with claims 20, 34, 41 and 49 being independent. Claims 20, 34, 41 and 49 have been amended. In particular, each of claims 20, 34, 41 and 49 has been amended to recite that the (first) contact hole is directly over the source region. Support for the amendment to the claims can be found in the application at least at Figs. 3A to 3C and the accompanying text. No new matter has been introduced.

Independent claims 41 and 49, and their dependent claims 42, 45, 47, 50, 53, 55, 59 and 60, have been rejected for being indefinite because, according to the Office Action, the limitation "the source electrode is in contact with the semiconductor layer through a [first] contact hole that is opened in the interlayer insulating film and the gate insulating film, and that is directly over the source region" is unclear as to which element is formed directly over the source region. Applicants have amended claims 41 and 49 to no longer recite the terms "and that is directly over the source region" and instead recite "wherein the (first) contact hole is directly over the source region." Applicants submit that claims 41 and 49, as amended, are clear in scope and, therefore, request reconsideration and withdrawal of the rejection of claims 41 and 49, and their dependent claims.

Independent claims 20 and 34, and their dependent claims 28, 31, 35, 38, 57 and 58, have been rejected as being unpatentable over Hollinger (U.S. Patent No. 5,089,434) in view of Kudoh (U.S. Patent No. 5,159,416) and Tanaka (U.S. Patent No. 5,798,744). Claims 33 and 40, which depend from claims 20 and 34, respectively, have been rejected as being unpatentable over Hollinger in view of Kudoh, Tanaka and Applicant Admitted Prior Art (AAPA). Independent claims 41 and 49, and their dependent claims 42, 45, 47, 50, 53, 55, 59 and 60, have been rejected as being unpatentable over Hollinger in view of Kudoh, Tanaka and Miyakawa (U.S. Patent No. 5,278,449). Claims 48 and 56, which depend from claims 41 and 49, have been rejected as being unpatentable over Hollinger in view of Kudoh, Tanaka, Miyakawa, and AAPA.

As stated above, each of independent claims 20, 34, 41 and 49 has been amended to recite that the (first) contact hole is directly over the source region. Applicants request

reconsideration and withdrawal of the rejections of claims 20, 34, 41 and 49, and their dependent claims, because neither Hollinger, Kudoh, Tanaka, Miyakawa, AAPA, nor any proper combination of the five describes or suggests the recited contact hole.

As stated in the response filed on July 23, 2009, Hollinger describes a device that includes an N+ doped region 24, which the Office Action appears to equate with the source region recited in claims 20, 34, 41 and 49. Notably, however, Hollinger does not describe or suggest that a contact hole is positioned directly over the N+ doped region 24. Rather, as shown in Fig. 15 of Hollinger, spacer 62, which the Office Action asserts corresponds to the recited gate insulating film, is positioned directly over the N+ doped region 24, and no contact hole is opened within spacer 62.

While Kudoh teaches forming a contact hole through a gate insulating film and an interlayer insulating film, applicants submit that a person of ordinary skill in the art would not have modified Hollinger to open a contact hole within spacer 62 directly over the N+ doped region 24 based on Kudoh's teachings. As stated in col. 7, lines 58-60 of Hollinger, "sidewalls [spacers] 62 will also enhance the isolation of the aforementioned gate 12 and source 16." Applicants submit that if a contact hole is formed in a spacer 62, the ability of the spacer 62 to isolate the gate 12 from the source 16 would be destroyed due to the removal of a portion of the isolating material from the spacer 62. Accordingly, applicants submit that such a modification would destroy the intended purpose of spacer 62 and, therefore, that a person of ordinary skill in the art would not have modified Hollinger's device in this manner. Tanaka, AAPA, and Miyakawa also fail to describe or suggest the above-noted features.

For at least these reasons, applicants request reconsideration and withdrawal of the rejections of claims 20, 34, 41 and 49, and their dependent claims.

Applicants submit that all claims are in condition for allowance.

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Page : 11 of 11

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The fees in the amount of \$810 for request for continued examination are being paid concurrently herewith on the Electronic Filing System (EFS) by way of Deposit Account authorization. Please apply any other charges or credits to deposit account 06-1050.

Respectfully submitted,



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